

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

**FARHAD SIMPSON,**

**Plaintiff,**

**v.**

**CITY OF PHILADELPHIA, et al.,**

**Defendants.**

---

:  
:  
:  
:  
:  
:  
:  
:  
:

**Civil Action  
No. 18-1272**

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2019, upon consideration of Defendants' Motion to Compel Plaintiff's Deposition and Responses to Defendants' First Set of Interrogatories and Requests for Production of Documents, it is **HEREBY ORDERED** that the Motion is **GRANTED**. It is **FURTHER ORDERED** that Plaintiff shall be deposed and answer Defendants' First Set of Interrogatories and Requests for Production of Documents within fourteen days of this order.

BY THE COURT:

\_\_\_\_\_

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

|                                                                                                                                                                                                                                               |                                                |                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|-------------------------------------|
| <b>FARHAD SIMPSON,</b><br><br><div style="text-align: right;"><b>Plaintiff,</b></div><br><div style="text-align: center;"><b>v.</b></div><br><b>CITY OF PHILADELPHIA, et al.,</b><br><div style="text-align: right;"><b>Defendants.</b></div> | :<br>:<br>:<br>:<br>:<br>:<br>:<br>:<br>:<br>: | <b>Civil Action<br/>No. 18-1272</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|-------------------------------------|

---

**DEFENDANTS' MOTION TO COMPEL  
PLAINTIFF'S DEPOSITION AND DISCOVERY RESPONSES**

Defendants, the City of Philadelphia and Sheriff Jewell Williams, by and through the undersigned counsel, hereby file this Motion to Compel Plaintiff's deposition and responses to Defendants' First Set of Interrogatories and Requests for Production of Documents. In support of this Motion, Defendants incorporate the attached Memorandum. Defendants respectfully request that this Court grant the Motion and order Plaintiff to be deposed and respond to the discovery requests issued.

Date: July 8, 2019

Respectfully submitted,

/s/ Shannon Zabel  
Shannon Zabel  
Assistant City Solicitor  
Pa. Attorney ID No. 321222  
City of Philadelphia Law Department  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102  
215-683-5114 (phone)  
215-683-5397 (fax)  
shannon.zabel@phila.gov

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

|                                                                                                                                                                                                                                            |                                                |                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|-------------------------------------|
| <b>FARHAD SIMPSON,</b><br><br><div style="text-align: center;"><b>Plaintiff,</b></div> <div style="text-align: center;"><b>v.</b></div> <div style="text-align: center;"><b>CITY OF PHILADELPHIA, et al.,</b><br/><b>Defendants.</b></div> | :<br>:<br>:<br>:<br>:<br>:<br>:<br>:<br>:<br>: | <b>Civil Action<br/>No. 18-1272</b> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|-------------------------------------|

---

**MEMORANDUM IN SUPPORT OF  
DEFENDANTS’ MOTION TO COMPEL PLAINTIFF’S DEPOSITION  
AND DISCOVERY RESPONSES**

**I. FACTUAL BACKGROUND**

On March 8, 2019, the Court entered its scheduling order, ordering that all discovery be completed by July 8, 2019. ECF Doc. 19. On May 29, 2019, defense counsel mailed and emailed Plaintiff’s counsel a copy of Defendants’ first set of interrogatories and requests for production of documents. *See* Exhibit A. Plaintiff’s responses were thus due on June 28, 2019. On June 19, 2019, defense counsel emailed Plaintiff’s counsel requesting dates that Plaintiff and counsel were available for Plaintiff’s deposition. *See* Exhibit B.

On June 26, 2019, the parties were scheduled to have a settlement conference before Magistrate Judge Wells. *See* ECF Doc. 22. That morning Plaintiff’s counsel called Judge Wells’ chambers, as well as defense counsel, to inform them that he could not get in contact with his client and requested that the conference be canceled. On a conference call later that afternoon, Plaintiff’s counsel explained that he had not been in contact with his client and he was having trouble reaching him.

To date, Plaintiff has not responded to counsel’s communications regarding a deposition

or responding to discovery requests. Discovery in this matter closes July 8, 2019.

## **II. LEGAL ARGUMENT**

### **A. Defendants' Request is Within the Scope of Discovery and Pursuant to Federal Rule of Civil Procedure 37(a).**

Federal Rule of Civil Procedure 37(a) states, in part:

#### **(a) Motion for an Order Compelling Disclosure or Discovery.**

**(1) *In General.*** On notice to other parties and all affected persons, a party may move for an order compelling disclosure or discovery. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.

Fed. R. Civ. P. 37(a). In this case, Defendants' request to obtain a deposition and discovery responses from Plaintiff is within the scope of discovery, as it is relevant, not privileged, and may lead to the discovery of admissible evidence. Rule 37(a) allows Defendants to move for an order compelling Plaintiff's participation in the discovery process, after defense counsel's attempts to confer with Plaintiff have failed. Moreover, Defendants will be substantially prejudiced in defending this action without obtaining this critical information.

## **III. CONCLUSION**

For the foregoing reasons, Defendants request that this Court grant the Motion to Compel Plaintiff's Deposition and Responses to Defendants' First Set of Interrogatories and Requests for Production of Documents in accordance with the proposed Order attached hereto.

Date: July 8, 2019

Respectfully submitted,

/s/ Shannon Zabel

Shannon Zabel  
Assistant City Solicitor  
Pa. Attorney ID No. 321222  
City of Philadelphia Law Department  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102  
215-683-5114 (phone)  
215-683-5397 (fax)  
shannon.zabel@phila.gov

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

**FARHAD SIMPSON,**

**Plaintiff,**

**v.**

**CITY OF PHILADELPHIA, et al.,**

**Defendants.**

---

:  
:  
:  
:  
:  
:  
:  
:  
:

**Civil Action  
No. 18-1272**

**CERTIFICATION OF GOOD FAITH**

I, Shannon Zabel, Esq., counsel for Defendants in the above-referenced matter, hereby certify that I have made efforts to contact Plaintiff regarding the discovery matter referenced in the foregoing Motion in an attempt to resolve the dispute at issue. Despite good faith efforts to resolve the dispute, the parties have been unable to do so.

Date: July 8, 2019

Respectfully submitted,

/s/ Shannon Zabel

Shannon Zabel

Assistant City Solicitor

Pa. Attorney ID No. 321222

City of Philadelphia Law Department

1515 Arch Street, 14<sup>th</sup> Floor

Philadelphia, PA 19102

215-683-5114 (phone)

215-683-5397 (fax)

shannon.zabel@phila.gov

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

**FARHAD SIMPSON,**

**Plaintiff,**

**v.**

**CITY OF PHILADELPHIA, et al.,**

**Defendants.**

---

:  
:  
:  
:  
:  
:  
:  
:  
:

**Civil Action  
No. 18-1272**

**CERTIFICATE OF SERVICE**

I hereby certify that on the date below, Defendants' Motion to Compel Plaintiff's Deposition and Responses to Defendants' First Set of Interrogatories and Requests for Production of Documents was filed via the Court's electronic filing system and is available for downloading by all parties of record.

Date: July 8, 2019

Respectfully submitted,

/s/ Shannon Zabel

Shannon Zabel

Assistant City Solicitor

Pa. Attorney ID No. 321222

City of Philadelphia Law Department

1515 Arch Street, 14<sup>th</sup> Floor

Philadelphia, PA 19102

215-683-5114 (phone)

215-683-5397 (fax)

shannon.zabel@phila.gov